

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

JOHN A. TOAL, SB# 194041

E-Mail: toal@lbbslaw.com

WINNIE YEUNG, SB# 238473

E-Mail: yeung@lbbslaw.com

One Sansome Street, Suite 1400

San Francisco, California 94104

Telephone: 415.362.2580

Facsimile: 415.434.0882

Attorneys for Defendant HAYES VALLEY

APARTMENTS II, L.P.

(erroneously sued herein as HAYES VALLEY  
LIMITED PARTNERSHIP)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

SHARON BRIDGEWATER,

Plaintiff,

vs.

HAYES VALLEY LIMITED  
PARTNERSHIP; SHAWN BANKSON,  
JANE CREASON AND THE LAW FIRM OF  
KIMBALL, TIREY AND ST. JOHN LLP,

Defendants.

CASE NO. C 10-3022 CW

**NOTICE OF MOTION AND MOTION  
FOR MONETARY SANCTIONS  
(re PLAINTIFF'S MOTION TO RE-OPEN  
CASE; TO FILE AN ORIGINAL  
AMENDED COMPLAINT FROM RELIEF  
FROM JUDGMENT; AND EXTEND  
TIME)**

Judge: Hon. Claudia Wilken

Date: March 30, 2012

Time: 2:00 p.m.

Crtrm.: 2, 4<sup>th</sup> Floor, Oakland Division, 1301  
Clay Street, Oakland, CA

Trial Date: None Set

**TO: PLAINTIFF SHARON BRIDGEWATER, IN PRO SE**

**PLEASE TAKE NOTICE** that on March 30, 2012, at 2:00 p.m. or as soon thereafter as  
the matter may be heard in Courtroom 2 of the United States District Court, Northern District,  
located at 1301 Clay Street, Oakland, California, defendant Hayes Valley Apartments II, LP  
("HVALP") will and hereby moves this court for an Order for sanctions against Plaintiff Sharon  
Bridgewater.

4812-3700-8911.1

C 10-3022 CW

**NOTICE OF MOTION AND MOTION FOR MONETARY SANCTIONS (re PLAINTIFF'S MOTION TO RE-  
OPEN CASE; TO FILE AN ORIGINAL AMENDED COMPLAINT FROM RELIEF FROM JUDGMENT;  
AND EXTEND TIME)**

1 This motion is based upon this notice, the memorandum of points and authorities, the  
2 declaration of Winnie Yeung, all pleadings, records, and papers on file in this action, and upon  
3 such oral, documentary, and demonstrative evidence as may be introduced at the hearing of this  
4 application.

5  
6 DATED: March 8, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

7  
8 By: 

9 JOHN A. TOAL

10 WINNIE YEUNG

11 Attorneys for Defendant HAYES VALLEY  
12 APARTMENTS II, L.P. (erroneously sued herein  
13 as HAYES VALLEY LIMITED PARTNERSHIP)

14 ///

15 ///

16 ///

## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. SANCTIONS AGAINST PLAINTIFF ARE WARRANTED**

Fed. R. Civ. P. section 11(b)-(c) provides in pertinent part:

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

#### **(c) Sanctions.**

(1) *In General.* If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

(4) *Nature of a Sanction.* A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation.

5) *Limitations on Monetary Sanctions.* The court must not impose a monetary sanction:

(A) against a represented party for violating Rule 11(b)(2);

Plaintiff has been declared a Vexatious Litigant based on her history of filing frivolous

1 motions and lawsuits against HVALP and the legal defendants. (Exhibit A, Request for Judicial  
 2 Notice "RFJN" attached to HVALP's Opposition, the Court's Order Declaring Plaintiff a  
 3 Vexatious Litigant.) This obviously has not deterred plaintiff's continuous attempt to harass  
 4 HVALP, and to waste the Court's limited resources.

5 In fact, on February 13, 2012, plaintiff filed another similar motion, in case no. C10-3022.  
 6 Plaintiff filed a second Motion to Re-Open Case; File an Original Amended Complaint From  
 7 Relief of Judgment; and Extend Time. (Docket no. 105 under case no. C10-3022.) The Court  
 8 previously denied plaintiff's Motion for Reconsideration in case no. C10-3022. Case no. C10-  
 9 3022 relates to plaintiff's previously filed and dismissed Complaints against HVALP and the legal  
 10 defendants, which also involved the unlawful detainer state action.

11 Moreover, plaintiff also filed a Motion to Leave to File an Original Amended Complaint,  
 12 which is also set to be heard on June 12, 2012. The proposed Complaint is 34 pages long, and  
 13 involves the state unlawful detainer action. This is in contradiction of the Court's Order which  
 14 specifically directed her to "file matters only in Case No. 10-703," and to file a concise complaint.  
 15 (Exhibit B, attached to RFJN, p. 9:2-3.) As very well stated by the Court, a *pro se* plaintiff is "still  
 16 required to comply with the rules that all other litigants must obey." (Exhibit B, attached to RFJN,  
 17 p. 7:4-5.)

18 Plaintiff's instant motion was filed for the "improper purpose, such as to harass, cause  
 19 unnecessary delay, and to needlessly increase the cost of litigation." (Fed. R. Civ. P. section  
 20 11(b)(1).) It is apparent that non-monetary directives have not deterred plaintiff's conduct.  
 21 Therefore, monetary sanctions against plaintiff are well warranted for plaintiff's repetitive  
 22 violation of the Court's Order. It may be the only avenue to deter plaintiff's continuous  
 23 misconduct. Accordingly, HVALP seeks monetary sanctions in the amount of \$1,572.50.  
 24 (Declaration of Winnie Yeung.)

25 ///

26 ///

27 ///

28 4812-3700-8911.1

4

C 10-3022 CW

**NOTICE OF MOTION AND MOTION FOR MONETARY SANCTIONS (*re* PLAINTIFF'S MOTION TO RE-  
 OPEN CASE; TO FILE AN ORIGINAL AMENDED COMPLAINT FROM RELIEF FROM JUDGMENT;  
 AND EXTEND TIME)**

1 DATED: March 8, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

2  
3 By: 

4 JOHN A. TOAL

5 WINNIE YEUNG

6 Attorneys for Defendant HAYES VALLEY  
7 APARTMENTS II, L.P.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**FEDERAL COURT PROOF OF SERVICE**

*Bridgewater v. Hayes Valley Apartments, et al.*

USDC, Northern District Case No. C10-3022 CW

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, CA 94104. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On March 8, 2012, I electronically filed the following document(s):

**NOTICE OF MOTION AND MOTION FOR MONETARY SANCTIONS (*re* PLAINTIFF'S MOTION TO RE-OPEN CASE; TO FILE AN ORIGINAL AMENDED COMPLAINT FROM RELIEF FROM JUDGMENT; AND EXTEND TIME)**

with the Clerk of the Court for the United States District Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have dispatched it to a third party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

Sharon Bridgewater  
965 Mission Street #409  
San Francisco, CA 94103  
In Pro Se

The documents were served by the following means:

☒ (BY OVERNIGHT DELIVERY) Based on an agreement of the parties to accept service by overnight delivery, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 8, 2012, at San Francisco, California.

\_\_\_\_\_  
Amanda Hampton

**FEDERAL COURT PROOF OF SERVICE**

*Bridgewater v. Hayes Valley Apartments, et al.*

USDC, Northern District Case No. C10-3022 CW

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, CA 94104. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On March 8, 2012, I electronically filed the following document(s):

**NOTICE OF MOTION AND MOTION FOR MONETARY SANCTIONS (*re* PLAINTIFF'S MOTION TO RE-OPEN CASE; TO FILE AN ORIGINAL AMENDED COMPLAINT FROM RELIEF FROM JUDGMENT; AND EXTEND TIME)**

with the Clerk of the Court for the United States District Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have dispatched it to a third party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

Sharon Bridgewater  
965 Mission Street #409  
San Francisco, CA 94103  
In Pro Se

The documents were served by the following means:

☒ (BY OVERNIGHT DELIVERY) Based on an agreement of the parties to accept service by overnight delivery, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 8, 2012, at San Francisco, California.

  
Amanda Hampton